

Small Business Compliance Advisory Committee (SBCAC)

Meeting Minutes

Meeting was held at Kansas City Regional Office on November 10, 2005

Members present: Jack Lonsinger, Dan Bunch, Doug Weible, Bruce Morrison, Walter Pearson

DNR present: Daniela Heppard, Layli Terrill, Lucy Thompson, Gus Ralston, Adam Gresham, Scott Totten, Chief Ombudsman; John Rustige, Air; Larry Coen, Land Rec; Ken Struempf Soil and Water; Karl Fett, KCRO Interim Director

Guests present: Representative Tom Loehner; Norb Plassmeyer; Rick Hansen, US Fish and Wildlife Service; Bill Turner, Missouri Department of Conservation; Craig Litteken, US Army Corps of Engineers; David Flick, Terra Technologies; Steve Taylor, Environmental Resource Coalition; Scot Wiggins Critical Site Products, Inc.

I. Call to Order

Meeting was called to order at 10:05 A.M.

II. Minutes of September 21, 2005 approval

Minutes were approved with minor changes noted from Bruce Morrison.

III. Kansas City Regional Office (KCRO) update

Karl Fett informed the members on the regional office updates.

- A. KCRO has performed 10 Initial Assistance Visits (IAV) so far in November.
- B. On November 22, 2005, KCRO will initiate a satellite office in Maryville. The office's primary focus will be drinking water issues. Two KCRO people have been identified to staff the office.
- C. KCRO is also working on drinking water issues in Benton County.

IV. Committee Business

- A. New Business – No new business.
- B. Stream Bank Stabilization – Topic was moved to the last discussion of the meeting.

V. Working Lunch

- A. Update of Open Burning Workgroup Activities - Jack gave an update on the Open Burning Workgroup
 - 1. The workgroup is working on regulations that would cover multiple issues.
 - 2. John Rustige will provide a weblink on open burning to Daniela for her to send out per requests.
 - 3. Jack hopes to get redefinition of trade waste (allow the burning of uncontaminated wood).
 - 4. Hope for a general permit for open burning that would require notification of the fire department. The general permit cannot negatively impact other people.
 - 5. Next open burning meeting should be held on December 8 or 10, 2005.

- B. Update on Legislation, Regulations and Activities – John Rustige gave update on the Air Pollution Control Program (APCP)
 - 1. Permit by rule proposal by APCP submitted to EPA
 - a. Set of conditions that company must meet.
 - b. EPA had a problem with the fact that there was an automatic approval with no time to say no. Now APCP is considering using a Permit by Application. This would still be a “turn around” application. Similar to the Permit by Rule except time will be allowed to say no if needed.
 - 2. EPA has published implementation rules for the PM_{2.5} standard (400 pages) to lay out requirements of the State Implementation Plans (SIP). APCP is still reviewing the rules.
 - 3. APCP is working on a maintenance ozone plan for the Kansas City area.

VI. Discussion of the Working Relationship between the SBCAC and the Department’s Ombudsman

Scott Totten, Chief Ombudsman, gave the update.

- A. The ombudsman will be going out (door to door) to meet people and try to discern issues ahead of time in hope to solve small problems before they get bigger.
- B. Two hundred contacts have been made so far, including the Kansas City area, where they are presently working on resolving these issues.
- C. How ombudsman and the SBCAC can work together still needs to be defined.
- D. Scott offers to help SBCAC to go from reactive to proactive.
- E. Adam explained that the Initial Assistance Visits (IAV) are for newly permitted companies to help them understand the regulations that apply to the facility. This is a new program and IAV surveys will be handed out to the companies to see if it is successful.
- F. Adam Gresham explained that the goal is to for businesses to understand the regulations and fix the problem before enforcement begins.

VII. Committee Business

- A. Old Business – Stream Bank Stabilization
 - 1. Representative Loehner talked about the misconceptions landowners have about what can or cannot be done on stabilizing the stream banks. Landowners are scared to call because they do not know what laws apply and permits take to long. There is also confusion on what permits to apply for and what department has jurisdiction over what part of the land/ water.
Rep. Loehner will have an educational meeting covering the Maries River watershed on December 7, 2005 in Westphalia, Maries County.
 - 2. Bruce Morrison obtained the views of the Missouri Coalition for the Environment and the Sierra Club on stream bank stabilization before the meeting and voiced these views to the Committee. Sierra Club does not believe that rock or riprap is a good solution and that tree revetments is a preferred alternative.
 - 3. Rep. Loehner invited the Sierra Club to the December meeting for their input.
 - 4. Craig Litteken explained the difference in permits; Individual permit, General permit and the Nationwide Permit 13 on bank stabilization. No permit is issued if the

stabilization will be under one cubic foot from the ordinary water high mark for a length of 500 linear foot. Linear footage could be extended with Corp's approval.

5. Craig presented several points for consideration:
 - Endangered species might be an issue.
 - Type of activity might be an issue.
 - Do not fill in the spring (do to fish spawning).
 - Keep equipment out of streams when possible.
 - Do not clean out vegetation and trees.
 - Restore banks.
 - Use clean fill.
 - Work on when water flow is low.
 - Do not modify stream bank gradient.
 - Stay away from impaired waters.
 - Use minimum material needed.
 - Use properly sized material – gravel is not a good option.
 - Do not modify wetlands.
 - If stream impacts more than one landowner look at effects on other landowner.
 - Communication is important.
6. David Flick, Stream Engineer, talked about how important the placement of fill is in the stream and it would be a good idea to get the Corps involved even if no permit is required.
7. Bill Turner, Department of Conservation informed the committee that the department has funding available. Points Bill made:
 - No regulatory role.
 - Technical assistance available.
 - Stream educated biologists and other knowledgeable staff available.
 - 95% of stream banks in Missouri are privately owned.
8. Rick Hansen explained the Fish and Wildlife Service's role in stream bank stabilization:
 - Endangered species such as fish, birds and plants are part of their jurisdiction.
 - Provide assistance and funding to private landowners.
 - Work with counties and landowners.
 - Working on building a website to show all issues within Missouri.
 - Landowners could fall under the jurisdiction of the Fish and Wildlife Service on land with possible endangered plants or birds.
 - Certain seasons are better than others.
 - All for stream bank stabilization – but must be done in a correct way.
 - National Migration Bird Act supercedes 404 certification..
9. Larry Coen stated that landowners are not allowed to sell any material dug up on their property. A mining permit is required if landowners plan to sell or barter gravel. No permit needed to give the materials away.
10. Ken Struempf said the Special Area Land Treatment (SALT) program may be able to provide funding for stream bank stabilization.

VIII. Public Comments – There were no public comments.

IX. Other - No other comments.

X. Adjourn – The meeting adjourned at 2:05 P.M.